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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

JOHN ANTHONY ST. PIERRE,

Defendant and Appellant.

2d Crim. No. B208746
(Super. Ct. No. F415720)
(San Luis Obispo County)

John Anthony St. Pierre appeals a judgment committing him to the California Department of Mental Health for treatment as a mentally disordered offender (MDO) (Pen. Code, § 2962 et seq.) after a court trial.¹ On May 2, 2006, St. Pierre, while a prisoner, committed an aggravated battery on a correctional officer. (§ 4501.1, subd. (a).) He pled guilty to that commitment offense. We conclude that substantial evidence supports the trial court's finding that St. Pierre's mental disorder caused or was an aggravating factor in committing that crime. We affirm.

FACTS

On May 2, 2006, St. Pierre was a prisoner at the California Department of Corrections and Rehabilitation (CDCR). A correctional officer was performing "medication rounds." St. Pierre spit in his face. The officer used pepper spray to move

¹ All statutory references are to the Penal Code.

him out of his cell. St. Pierre grabbed two milk cartons containing "an unknown liquid" and threw them at the officer, who tried unsuccessfully to "subdue" him. St. Pierre filled additional containers with an unknown liquid and threw those objects at him. St. Pierre was out of control. It ultimately took the efforts of several guards to subdue him. After being handcuffed, he was transported to a hospital for a psychiatric evaluation.

On March 21, 2007, St. Pierre grabbed a correctional officer's hand and "smeared feces on it." He told the guard "someone is poisoning my water."

On July 17, 2007, St. Pierre refused to take his medications. A nurse asked him to open his mouth because he would not swallow his pills. He responded, "Fuck you, bitch," and he "becam[e] agitated." A guard came over. St. Pierre grabbed the correctional officer's arm "through the food slot and would not let go"

On November 21, 2007, a chief psychiatrist of the CDCR certified that St. Pierre met the criteria for an MDO commitment. On March 25, 2008, the Board of Prison Terms reached the same conclusion and "sustained the requirement of treatment." On April 1, 2008, St. Pierre filed a petition for appointment of counsel and requested a hearing. (§ 2966, subd. (b).) St. Pierre waived a jury trial.

At trial, Brandi Mathews, Ph.D., a forensic psychologist at Atascadero State Hospital, testified that St. Pierre "suffers from schizoaffective disorder," a severe mental disorder. His "psychotic symptoms include auditory hallucinations." He has "paranoid delusions" that his water and his medications had been "poisoned" at CDCR. He has a "long-standing" mental illness "dating back to at least 1992." She said, "[I]t is my opinion his controlling offense that occurred on May 2nd, 2006, was linked to his severe mental disorder."

In the defense case, Dr. Stephanie Wagner testified that a severe mental disorder was not a cause or an aggravating factor in St. Pierre's commitment offense. She said he was angry and did not want to take his medication, but he was not "delusional at the time." On cross-examination, she said that St. Pierre had "a

delusion," which he had repeatedly mentioned to her about "being poisoned at CDCR." She had not reviewed any of the recent psychiatric assessments of St. Pierre by Dr. West, Dr. Selby and Dr. Moreno. She did not know about St Pierre's history of prior MDO commitments stemming from an assault he committed on a guard in 1993 and an assault he committed on a patient in 1997. She reviewed only one psychiatric assessment, but was unable to recall the name of the doctor who made the evaluation. Dr. Wagner testified that "throughout 2006" St Pierre claimed to be suicidal and, on admission to the "mental health crisis bed," had claimed that "the water in his housing unit was contaminated and/or poisonous." She said that in a prior written assessment, she had indicated that during the March 21, 2007 incident, "he was continuing to manifest this belief that he was being poisoned at CDCR."

In rebuttal, Dr. Mathews said, "[I]t is my opinion [St. Pierre] was paranoid and delusional at the time" of his commitment offense. She said he had "a significant history dating back to approximately 1993 of engaging in violent behavior related to his severe mental disorder."

The trial court found that the prosecution had proved all the elements for an MDO commitment. The court said, "I am finding that mental illness was at least an aggravating factor in the behavior that's been described here. The fact that he had . . . continuing delusions about being poisoned and was resistant to taking medication all points to the substantial reason for the conduct that's been described."

DISCUSSION

I. Substantial Evidence

St. Pierre contends that the evidence is insufficient to support the trial court's finding that his mental disorder caused or aggravated his commitment offense. We disagree.

In reviewing the sufficiency of the evidence, we draw all reasonable inferences in support of the judgment. We do not weigh the evidence or decide the credibility of witness testimony. (*People v. Rodriguez* (1999) 20 Cal.4th 1, 10-12.) A

prisoner may be committed for treatment as an MDO where he or she has a severe mental disorder that is not in remission, and because of such disorder, the prisoner represents a substantial danger of physical harm to others. (§ 2962, subd. (d)(1); *People v. Fernandez* (1999) 70 Cal.App.4th 117, 125-126.) To obtain an MDO commitment, the prosecution must also prove "that the severe mental disorder was one of the causes or was an aggravating factor in the prisoner's criminal behavior." (§ 2962, subd. (d)(1).)

St. Pierre notes that Dr. Wagner concluded that his mental disorder had no relationship to his crime. But the issue is not whether there is evidence to support his position, it is whether substantial evidence supports the judgment.

Here there is sufficient evidence. Dr. Mathews testified that St. Pierre had a severe mental disorder which was a cause or an aggravating factor in the commission of the commitment offense. She noted that records from a "CDCR clinician" indicated that at the time of the offense St. Pierre "was delusional and paranoid." She said that he had told a doctor that "he wanted to get out of his cell . . . because he believed he was being poisoned while in the cell." She testified that "this is consistent with his delusions in the past." St. Pierre's conduct during the crime was irrational. She found it significant that correctional staff at the time of the incident determined that St. Pierre had to be hospitalized to "undergo a psychiatric evaluation."

Dr. Mathews also noted that St. Pierre had a long history of committing violent crimes because of his mental disorder. That history began in 1993, well before the date of the commitment offense. She concluded, "Based on all of that information, it is my opinion his mental illness was at least an aggravating factor." From this evidence, the trial court could reasonably conclude that there was a connection between the commitment offense and his mental disorder. (*People v. Valdez* (2001) 89 Cal.App.4th 1013, 1017-1018.) The evidence is sufficient. (*Ibid.*)

In addition, St. Pierre has not demonstrated why the court could not reasonably infer that Dr. Wagner had been impeached on cross-examination and that parts of her cross-examination testimony supported the judgment.

We have reviewed St. Pierre's remaining contentions and conclude that he has not shown reversible error.

The judgment is affirmed.

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GILBERT, P.J.

We concur:

YEGAN, J.

PERREN, J.

Jac A. Crawford, Judge
Superior Court County of San Luis Obispo

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